

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-003106

07/08/2011

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT
L. Nixon
Deputy

KEITH DEERING, et al.

PAUL A CONANT

v.

GARY WHITING, et al.

GREGORY G MCGILL

LANCE R BROBERG
MARK DEATHERAGE
DONALD F ENNIS
TIMOTHY C LYNCH
JARED C SIMMONS
GARY & PAULA HENRIE
3518 NORTH 1450 W
PLEASANT GROVE UT 84062
KEITH BIERMAN
MCA FINANCIAL GROUP, LTD
4909 N 44TH ST
PHOENIX AZ 85018

STATUS CONFERENCE SET

Courtroom ECB-514

11:42 a.m. This is the time set for Status Conference. Plaintiffs in CV2010-003106 and Defendants, Karl and Diana Hiatt, Dark Comet Games, LLC, Fresh Start Studios, LLC in CV2010-025559 are telephonically represented by counsel, Paul A. Conant and Melissa A. Emmel. Intervenors, Samuel Dalember, David Roberts and Hetal Shah are telephonically represented by counsel, Tim Lynch. Court-appointed Receiver, the MCA Financial Group, Ltd. is telephonically represented by counsel, Donald F. Ennis. Defendant, Gary Whiting is present on his own behalf. Defendants, CME Board of Directors and CMG Board of Directors are

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telephonically represented by counsel, Gregory G. McGill. Defendants, Timothy and Mary Jenson are telephonically represented by counsel, Lance R. Broberg.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding case status including the ongoing negotiations of the license agreement with MGM.

Pursuant to Canon 3E(1) of the Rules of Judicial Conduct the parties and counsel are advised that at one time, the Court was a practicing attorney with the Snell & Wilmer law firm which represents a party in this case.

Under Canon 3E(1)(d)(iii) of the Rules of Judicial Conduct, the Court does not believe that his employment history presents "an interest that could be substantially affected by this proceeding" and will not disqualify himself. Any party who feels differently is invited to file a motion with the Court concerning the same no later than **5:00 p.m. on July 22, 2011.**

IT IS ORDERED setting a Status Conference in this matter on **August 30, 2011, at 9:00 a.m. (15 min.)** in this division.

HON. ARTHUR T. ANDERSON
Maricopa County Superior Court
East Court Building
101 West Jefferson Street
5th Floor, Courtroom 511
Phoenix, AZ 85003
602-506-0341

IT IS FURTHER ORDERED the Receiver, MCA Financial Group, Ltd. shall supplement its Operating Report specifically addressing the status of negotiations with MGM prior to the Status Conference.

The hearing will be heard telephonically unless counsel notify this Division the day prior to the hearing that counsel will appear in person. If all parties appear telephonically, Plaintiff's counsel shall initiate the conference call. The court's phone number is (602) 506-0341. Transmissions over cellular telephones and speaker phones are not clearly received by the court's phone system and, therefore, are not allowed.

Plaintiff's counsel shall notify this Division whether the parties will be appearing telephonically the day prior to the hearing.

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If discovery issues arise, the parties may file, brief, and set for argument motions to compel discovery, or at their OPTION may send a one-page letter to the Court describing the dispute in the first paragraph and proposing a solution in the second paragraph. The opposing side may respond by letter in 48 hours and the Court will contact counsel by telephone to resolve the issue. This expedited procedure is strictly OPTIONAL, not MANDATORY.

12:02 p.m. Hearing concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.